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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-21552-2025
Date of Decision:30.04.2025**

GURMIT RAM ALIAS NIKKA

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

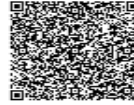
Present : Mr. Manjinder Singh Saini, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.10 dated 09.02.2022, registered under Sections 22, 29 of NDPS Act, Police Station Haryana, District Hoshiarpur.

2. Learned counsel for the petitioner contends that as per the allegations levelled by the complainant, 30 grams of intoxicant powder was allegedly recovered from him. He remained in custody from 09.02.2022 to 08.03.2022, when he was granted the concession of interim bail by the Special Court Hoshiarpur vide order dated 08.03.2022 (Annexure P-2). The petitioner was appearing on each and every date of hearing before the trial Court, however, under some misunderstanding, he stopped appearing and was declared



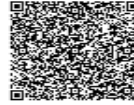
P.O. on 04.11.2024. The petitioner surrendered on the next date itself i.e. 05.11.2024 and is in custody since then. Learned counsel further contends that the quantity of contraband, which has been recovered from him falls within the ambit of 'non-commercial quantity' and the petitioner is in custody for the last more than 04 months and 18 days. He further contends that the challan has already been presented against him and the conclusion of the trial may take quite a long time.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in two more cases under the provisions of NDPS Act. and he does not deserve the concession of bail by this Court. However, he does not dispute the fact that the petitioner was found in possession of 'non-commercial' quantity of contraband.

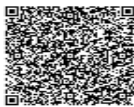
4. I have heard the learned counsel for the parties and perused the record.

5. No-doubt the petitioner was declared as proclaimed offender on 04.11.2024, but he surrendered on the next date itself i.e. 05.11.2024. He is in custody for the last more than 04 months and the quantity of contraband recovered from him falls within the ambit of definition of 'non-commercial quantity'. Thus, further custody of the petitioner will not serve any useful purpose.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-



- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.*
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*
- (viii) The petitioner shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the*



State of Punjab shall be at liberty to move an appropriate application in this regard.

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

30.04.2025
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(N.S. SHEKHAWAT)
JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No